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II. AMENDMENT

1. In the Drawings

Please replace the four drawing sheets containing Figures 2A& 2B (one sheet), 4A, 4B and 4C with the new four drawing sheets attached to the end of this paper.

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III. REMARKS**1. Remarks on the Amendment to the Drawings:**

The drawing sheet containing Figures 2A and 2B is amended to remove the reference to compound 7 because compound 7, illustrated in Fig. 2B, is not entirely identical to compound 7, illustrated in Fig. 1. In particular, the compound in Fig. 1 is not isotopically enriched and the compound in Fig. 2B is isotopically enriched with ^{15}N .

Drawing sheets containing Figures 4A, 4B and 4C have been amended to increment by 1 the number corresponding with each structure since it has been observed that the number 19 was used for differing structures in both Figure 3B and 4A. By incrementing the numbers in Figures 4A, 4B and 4C, confusion is avoided. Corresponding amendments to the specification are also requested.

2. Remarks on the Amendment to the Specification:

A amendment to various sections of text has been requested to correct clerical errors and to increment various of the numbers corresponding with structures found in the figures. Corrections for various other clerical errors have been requested. For example, it has been observed that the symbol • • was substituted for the Greek character δ . An appropriate correction is requested.

3. Remarks on the Amendment to the Claims:

Claim 4 was amended to incorporate the elements/limitations of claim 5. Claim 5 was thus canceled. Claim 15 was amended to incorporate the elements/limitations of claims 16 and 17. Claims 16 and 17 were therefore canceled. Claim 19 was amended to incorporate the elements/limitations of claim 20. Claim 20 was thus canceled. Claim 22 was amended to incorporate the elements/limitations of claims 23 and 24. Claims 23 and 24 were therefore canceled. Claim 25 was amended for clarity and to correct a clerical error. Claim 29 was amended to incorporate the elements/limitations of claims 30 and 31¹. Claims 30 and 31 were therefore canceled. Claim 32 was amended to incorporate the elements/limitations of claim 33. Claim 33 was thus canceled. Claim 41 was amended to

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correct the dependency. Claim 42 was amended to incorporate the elements/limitations of claims 43 and 44. Claims 43 and 44 were therefore canceled. Claim 45 was amended to incorporate the elements/limitations of claim 46. Claim 46 was thus canceled.

Claims 50-53 are newly added. These claims are identical to various claims in existing applications owned by Applera Corporation as identified in Table 1, below. In view of the possible implementation of new rules of practice anticipated to take effect in January 2007, these claims are presented to determine whether or not The Office considers claims 50-53 to be independent and distinct inventions as compared with the subject matter of claims 1-49 and therefore subject to restriction under 35 U.S.C. § 121. It is believed that these claims represent independent and distinct inventions and that is why claims 50-53 were filed in separate applications (except for claims 52 and 53 which are filed in the same application). If The Office determines that claims 50-53 are directed to inventions that are independent and distinct and therefore subject to a restriction requirement, the claims will be canceled in this application and pursued in the currently pending applications. Applicants respectfully request that any relevant restriction requirement pertaining to these claims be issued in the next communication from The Office.

Table 1

New Claim No.	Claim No. in Existing USSN	Application No. (USSN)	Filing Date	Status
50	1	10/751,387	5 January 2004	Pending
51	1	10/751,388	5 January 2004	Pending
52	1	10/822,639 [*]	12 April 2004	Claim Canceled
53	7	10/822,639 [*]	12 April 2004	Claim Allowed

* Claims priority to USSN 10/751, 353, filed 5 January 2004

Antecedent basis for claim 50 can be found throughout the application as filed but in particular at page 9, line 4 to page 13, line 2.

Antecedent basis for claim 51 can be found throughout the application as filed but in particular at page 5, line 17 to page 9, line 2.

¹ Claim 31 is identical to claim 30 as originally filed. Antecedent basis for incorporation of "in at least 96 percent isotopic purity" into claim 29 can be found throughout the

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Antecedent basis for claim 52 can be found throughout the application as filed but in particular at 19, line 1 to 29.

Antecedent basis for claim 53 can be found throughout the application as filed but in particular at 19, line 1 to 29.

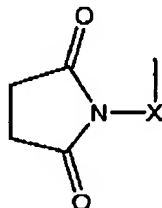
Claim 54 is newly added. Antecedent basis for claim 54 can be found throughout the application as filed but in particular at page 12, line 25 to page 13, line 2.

It is believed that no new matter has been added by entry of any of the requested amendments to the drawings, specification or claims.

2. Response to the Restriction Requirement:

a) Elections

Applicants elect Group I, Claims 1-24 (in part), wherein LG is



as classified in class 544, in subclass 473. This election is made with traverse as discussed below.

b) Basis for Traverse

Regarding this election, Applicants challenge any attempt by the Office to restrict any subject matter within a specific claim or claims as being in conflict with 35 U.S.C. §112. In particular, Applicants traverse any requirement that is inconsistent with the decisions of: *In re Weber*, 580 F.2d 455, 198 U.S.P.Q. 328 (CCPA, 1978), *In re Haas*, 580 F.2d 461, 198 USPQ 334 (CCPA 1978, *In re Harnisch* 631 F.2d 716, 206 USPQ 300 (CCPA) and/or *Ex Parte Hozumi*, 3 USPQ2d 1059 (BPAI 1984). These decisions prohibit the application of 35 U.S.C. § 121 to thereby restrict the subject matter within specific claims even if The

specification but in particular at page 19, line 30 to page 20, line 22.

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Office determines that a specific claim is directed to two or more independent and distinct inventions.

Specifically, Applicants traverse the asserted restriction between Groups I, II, III, IV, V, VI, VII, VIII, IX, X and XI as being inconsistent with the decisions in *Weber*, *Haas* and *Hozumi* as well as M.P.E.P. § 803.02, § 803.03(b). Moreover, this restriction requirement fails to recognize that claim 1 is generic and that the asserted restriction between various members of the Markush groups articulated in claims 4, 5, 19 and 20 should be an election, not restriction, requirement (M.P.E.P. § 803.02).

Applicants do not traverse the restriction between Groups I, II, III, IV, V, VI, VII, VIII, IX, X and XI with respect to Group XII but believe that rejoinder of process claims 25-49 (Group XII) with compound claims 1-24 (Groups I, II, III, IV, V, VI, VII, VIII, IX, X and XI) is proper under the reasoning of *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir.). Accordingly, the process claims have not been canceled except where the amendment included herein merges the subject matter of multiple claims into a single claim.

c) Other Applications Owned by Applera Corporation

For the convenience of the Examiner, reference is made to Table 2, below, and the identified copending applications owned by Applera Corporation. The Examiner is invited to review the claims of these applications for consideration of any obviousness type double patenting rejections that he/she may feel is/are appropriate.

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Table 2

Title	Serial No.	Filing Date	Status
Mixtures Of Isobarically Labeled Analytes And Fragments Ions Derived Therefrom	10/751,353	05 Jan 2004	Abandoned
Isotopically Enriched N-Substituted Piperazine Acetic Acids And Methods For The Preparation Thereof	10/751,387	05 Jan 2004	Pending
Isotopically Enriched N-Substituted Piperazines And Methods For The Preparation Thereof	10/751,388	05 Jan 2004	Pending
Methods And Mixtures Pertaining To Analyte Determination	10/765,458	27 Jan 2004	Pending
Methods And Mixtures Pertaining To Analyte Determination Using Electrophilic Labeling Reagents	10/765,264	27 Jan 2004	Pending
Compositions And Kits Pertaining To Analyte Determination	10/765,267	27 Jan 2004	Allowed
Mixtures Of Isobarically Labeled Analytes And Fragments Ions Derived Therefrom	10/822,639	12 Apr 2004	Allowed
Isobarically Labeled Analytes And Fragment Ions Derived Therefrom	10/852,730	24 May 2004	Pending
Method And Apparatus For De-Convoluting A Convolved Spectrum	10/916,629	12 Aug 2004	Allowed
Analysis Of Mass Spectral Data In The Quiet Zones	10/999,638	24 Nov 2004	Pending
Preparation Of Biologically Derived Fluids For Biomarker Determination By Mass Spectrometry	11/051,807	04 Feb 2005	Pending
Determination of Analyte Characteristics Based Upon Affinity Binding Properties	11/069,277	01 Mar 2005	Pending
Isobaric-Coded Mass Tags for Quantitative Protein Analyses with Tandem MS	11/179,060	11 Jul 2005	Pending
Methods, Compositions and Kits Pertaining To Analyte Determination	11/319,685	28 Dec 2005	Pending
Mass Tags for Quantitative Analysis	11/355,904	15 Feb 2006	Pending

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IV. SUMMARY

It is believed that this response addresses all issues set forth in the present Restriction Requirement and the application is in ready condition for allowance. In consideration of the preceding amendments and remarks, Applicants hereby respectfully request the issuance of a Notice of Allowance by The Office.

V. INTERVIEW

If the Examiner believes a telephonic or personal interview would advance the prosecution of the subject application, the Examiner is invited to contact attorney Gildea during business hours at the telephone or facsimile numbers listed below.

VI. FEES

According to the Filing Receipt, Applicants have paid for 49 total claims and 2 independent claim. Upon entry of this amendment, this application will contain 42 total claims and 7 independent claims. The following calculations indicate that a fee of \$800.00 is due the Office for entry of this amendment and for the consideration of the amended set of claims.

Total Claims	—	Claims Paid	=	Claims to be Paid	x \$50.00	Totals
42	—	49	=	0	\$ 0	\$ 0
Total Ind. Claims		Ind. Claims Paid		Ind. Claims to be Paid	x \$ 200.00	
7		3		4	\$ 800	\$ 800.00
Total Due Office						\$ 800.00

The Office is hereby authorized to deduct the fee due, believed to be \$800.00, for entry of this amendment set forth herein from Deposit Account 01-2213 (Invoice No. BP0306-US). A duplicate of this page is included with this submission.

Additionally, a request for an automatic one-month extension of time to reply to the restriction requirement dated August 1, 2006 and authorization to charge the appropriate fee to Deposit account No. 01-2213 accompanies this paper. No other fees are believed to be due to The Office for consideration of this paper. If however, The Office determines that any fee is properly due for its consideration of this paper, authorization is hereby granted to charge any required fee associated with the filing or proper

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VII. CORRESPONDENCE/CUSTOMER NUMBER

Please send all correspondence pertaining to this document to:

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IF NOT ALREADY DONE, PLEASE ASSOCIATE THIS CASE WITH CUSTOMER NUMBER

23544

Respectfully submitted
on behalf of Applicants,

Sept 26, 2006
Date

Brian D. Gildea
Brian D. Gildea, Esq.; Reg. No. 39,995

Serial # 10/751,354

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Respectfully submitted
on behalf of Applicants,

Sept 26, 2006
Date

Brian D. Gildea
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